

Early, Dianti v. Mays, John (Officer)

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

DIANTI EARLY,)
)
Plaintiff,)
) CIVIL ACTION FILE
vs.)
) NO. 1:22-cv-00816-SCJ
OFFICER JOHN MAYS,)
Individually, as an officer)
of the UNION CITY POLICE)
DEPARTMENT,)
Defendant.)

The deposition of BARRY WALKER, taken pursuant to the stipulations contained herein; the reading and signing of the deposition waived, before Charlene M. Hansard, B-2341, Certified Court Reporter, commencing at 10:04 a.m., on Tuesday, November 8, 2022, at 100 Habersham Drive, Fayetteville, Georgia.

A P P E A R A N C E S

ON BEHALF OF THE PLAINTIFF:

Tanya F. Miller, Esq.
DuBose Miller, LLC
75 14th Street, N.E.
Suite 2110
Atlanta, Georgia 30309
(404) 720-8111
miller@dubosemiller.com

ON BEHALF OF THE DEFENDANT:

Matthew Bennett, Esq.
Bennett Law Offices, LLC
1012 Memorial Drive
Suite 13
Griffin, Georgia 30223
(678) 688-3554
mhb@bennettlawofficellc.com

Legend of the Transcript:

(sic)	Exactly as said
(phonetic)	Exact spelling unknown
. . .	Trailing off or did not complete thought
--	Break in speech continuity
uh-huh	Affirmative
uh-uh	Negative

I N D E X

WITNESS

PAGE

BARRY WALKER

Examination By Ms. Miller6

PLAINTIFF'S EXHIBITS

EXHIBIT

NUMBER	DESCRIPTION	PAGE
Exhibit 1	Notice of Deposition	4
Exhibit 2	Georgia Motor Vehicle Crash Report ...	13

(Originally marked exhibits attached to the original of the deposition and a copy attached to all copies produced.)

P R O C E E D I N G S

(10:04 a.m.)

(Whereupon, the court reporter complied with the requirements of O.C.G.A. Section 9-11-28(d).)

(Plaintiff's Exhibit No. 1, Notice of Deposition, was marked for identification purposes.)

MS. MILLER: Good morning, Captain Walker. My name is Tanya Miller, and I'm an attorney. I represent the plaintiff, Dianti Early, in this case. Did you receive notice of your deposition today?

MR. WALKER: Yes.

MS. MILLER: Okay. And you're here pursuant to that notice?

MR. WALKER: Yes.

MS. MILLER: Have you had your deposition taken before?

MR. WALKER: Yes.

MS. MILLER: Okay. So you know kind of the basic ground rules. I'll just repeat them just to refresh you. The court reporter is obviously taking down everything we say. So it helps her tremendously if we answer yes, no as opposed to

1 uh-huh, uh-uh, so make sure your responses are
2 audible. No nodding even though that's what we
3 naturally do in conversation. Obviously she
4 can't get that down.

5 If I ask a question you don't understand or
6 it's not clear, of course, you know you can just
7 tell me to rephrase it or ask it again. I'm not
8 trying to confuse you with my questions, and
9 you're entitled to a question that is clear and
10 makes sense. So let me know if I ask you
11 anything that doesn't.

12 You have the opportunity at the end of this
13 deposition to review the transcript and make
14 sure that there are no typos or words that are
15 not correct. If you want the opportunity to
16 review and sign, you can just let us know that,
17 and we'll give you the opportunity to review and
18 sign.

19 MR. WALKER: Okay.

20 MS. MILLER: Okay? All right. Cool. So
21 you are a captain with the Union City Police
22 Department?

23 MR. WALKER: Yes.

24 MS. MILLER: How long have you been with
25 Union City?

1 MR. WALKER: Ten years.

2 MS. MILLER: Okay.

3 THE COURT REPORTER: We haven't sworn him
4 in.

5 MS. MILLER: Oh, I'm so sorry. See there,
6 moving too fast. I knew I was going to forget
7 something.

8 (The oath was administered to the witness
9 by the court reporter.)

10 Whereupon,

11 BARRY WALKER,

12 Having been first duly sworn, was examined and
13 testified as follows:

14 EXAMINATION

15 BY MS. MILLER:

16 Q. See, I trust you so much I didn't even need
17 you to be under oath. So you said ten years with Union
18 City?

19 A. Yes.

20 Q. And was that the only department you've ever
21 worked at?

22 A. I worked for Atlanta Metropolitan College for
23 two years.

24 Q. Okay. What years were you there?

25 A. Twelve years ago.

1 Q. Twelve years ago. I can't do math. That's
2 what?

3 A. 2010.

4 Q. 2010. Did you know Captain Long?

5 A. I did.

6 Q. I mean Chief Long?

7 A. Chief Long, that was my chief.

8 Q. That was your chief. Yeah, he used to be my
9 investigator in Fulton.

10 A. Okay.

11 Q. We worked together for many years. That's my
12 good friend. Okay. And so when you came to Union
13 City, kind of describe your trajectory to captain.

14 A. I started off as an officer. I went to the
15 traffic unit for a minute. Then I made a -- We have
16 what's called a master patrol officer -- master patrol
17 officer. Then I made a sergeant, went back to the
18 street, was on the street as a sergeant for -- I don't
19 know -- maybe a year.

20 Then I went back over to the traffic unit
21 as a sergeant, got promoted to a detective sergeant,
22 got promoted as lieutenant, all in the traffic unit.
23 Then I became a certification manager. And after I
24 became the certification manager, I got promoted to
25 captain and went back over to patrol.

1 Q. Okay. So would you say that the lion's share
2 of your experience has been in the traffic unit?

3 A. I'd say patrol.

4 Q. Patrol. Okay.

5 A. When you're on the traffic team, you still
6 work patrol.

7 Q. Okay. All right. So what do you do
8 differently on the traffic unit than just general
9 patrol?

10 A. So on the traffic unit, your primary function
11 is actually to investigate accidents and write tickets.
12 However, you still support patrol and answer calls.

13 Q. I see. And you -- I guess, on March 1, 2020,
14 what was your position?

15 A. I think I was a lieutenant over the traffic
16 unit at that time.

17 Q. Okay. And so you got a call to an apartment
18 complex in Union City on that day --

19 A. Yes.

20 Q. -- to assist? Tell me about the call.

21 A. I got a call about -- said an officer hit
22 somebody. There were actually two accidents happened
23 at the same time. One officer had a wreck responding
24 to the -- to that accident. So when I got there, I
25 actually ended up on the first accident where an

1 officer turned in front of another vehicle.

2 Q. I see.

3 A. So after I made sure he was good, I went to
4 the apartment complex, and that's where the officer
5 struck the person.

6 Q. Okay. And that apartment complex --

7 A. 6770 Buffington Road.

8 Q. Correct.

9 A. Yes.

10 Q. Yes. Do you know the name of that complex?

11 A. It changed.

12 Q. Okay.

13 A. It was Shannon Lakes then. I don't know what
14 they call it today.

15 Q. Okay. And you're pretty familiar with that
16 complex?

17 A. I am.

18 Q. Okay. Have you responded to a lot of calls
19 over there?

20 A. Yeah. When I was on patrol, it was my -- it
21 was my area.

22 Q. Got it. Okay. So describe, if you would,
23 sort of the scene when you arrived at the apartment
24 complex.

25 A. There was a car in the bushes. There was a

1 person laying on the ground, and there were numerous
2 police cars that were parked. Where it was there's a
3 dead end, and that's where it was. So all the cars
4 were kind of blocking the area.

5 Q. And about how many patrol cars were there?

6 A. I don't remember.

7 Q. Okay. Did you have your body camera on?

8 A. I didn't. I actually think I was in my
9 personal car.

10 Q. Okay. Were you off that day or --

11 A. I was on call.

12 Q. I see.

13 A. So I just responded in the car that I was in.

14 Q. Okay. And on call means what? Even if
15 you're not on shift, if something happens, you got to
16 come in?

17 A. Yeah.

18 Q. Okay. All right. And so now, have you seen
19 any body camera footage from the incident?

20 A. No.

21 Q. Okay. Do you recall whether or not you had a
22 camera with you when you arrived?

23 A. I don't remember.

24 Q. You don't remember. Okay. I'm going to see
25 if I can pull up a -- the body camera footage and show

1 you what I think might be you, but I'm not sure if it's
2 you. Okay? I'll do that in a second. In any event,
3 you were responding in your capacity as a patrol
4 officer, as a traffic officer, or what?

5 A. As a traffic officer.

6 Q. Okay. And would it be customary for you as a
7 traffic officer to have some ability to take
8 photographs?

9 A. It would.

10 Q. Okay.

11 A. Typically, I would carry a kit. But for some
12 reason, I feel like I remember being in my personal
13 car, so I may not have had it. I don't know.

14 Q. Okay.

15 A. And I actually had another person who was
16 normally on call. But I believe he was out of town,
17 and that's why I had to go.

18 Q. Okay. So if you don't have a kit with you
19 and you respond, how do you document the scene?

20 A. I may utilize my phone. Sometimes the
21 supervisor has a camera. And I may have had a camera
22 that day. I just don't remember.

23 Q. Okay. Did you -- Do you know whether or not
24 you documented the scene at all?

25 A. I don't remember. I just remember doing the

1 report.

2 Q. Okay. And so you said there was a car in the
3 bushes and a bunch of police cars and there was someone
4 lying on the ground.

5 A. He actually might have already been in the
6 ambulance when I got there.

7 Q. I'm sorry?

8 A. He actually might have already been in the
9 ambulance when I got there.

10 Q. Okay.

11 A. I don't -- I don't remember.

12 Q. Okay. You don't remember -- You don't
13 remember whether he was on the ground or in the
14 ambulance?

15 A. I don't remember.

16 Q. Okay. Tell me what you did when you got to
17 the scene.

18 A. Spoke to the officer, spoke to other officers
19 trying to find out what happened. I don't remember if
20 I spoke to him or not. I just looked at the evidence
21 on the scene and did a report.

22 Q. And what did you determine -- By the way,
23 let's just hand you this. This may help you if you --
24 Do you have your report with you?

25 A. I don't.

1 Q. Okay. I think this is your report. You'll
2 tell me if it's not.

3 (Plaintiff's Exhibit No. 2, Georgia Motor
4 Vehicle Crash Report, was marked for
5 identification purposes.)

6 BY MS. MILLER:

7 Q. I'm handing you what's been marked for
8 identification purposes as Exhibit Number 2 -- which is
9 actually Plaintiff's Exhibit Number 2 to this
10 deposition. You can take a moment to look at that.
11 Let me know if that's your report.

12 A. That is Officer Mays' report.

13 Q. Oh, it is? Let me see. I thought your name
14 was on the bottom of that somewhere.

15 A. I checked it. Yeah, this is Officer Mays'
16 report. I just checked it.

17 Q. Okay. So you did separately a report?

18 A. I probably did a supplemental maybe. I'm not
19 sure. I don't remember.

20 Q. Okay. Did you talk to anybody in preparation
21 for your deposition today?

22 A. I did not.

23 Q. Okay. So how did you -- how were you
24 informed you had a deposition today?

25 A. I received an e-mail.

1 Q. Okay. From who?

2 A. From the assistant chief.

3 Q. And when you received that e-mail, what did
4 you do?

5 A. I responded to the deposition --

6 Q. Oh, okay.

7 A. -- today.

8 Q. Just showed up today?

9 A. I did.

10 Q. You didn't review anything --

11 A. I did not.

12 Q. -- to see if you had done a report or --

13 A. I did not.

14 Q. Why not?

15 A. I did not.

16 Q. Why not?

17 A. I don't have a good reason for you.

18 Q. Okay. Just not --

19 A. The information -- There were different dates
20 thrown out, and there were different times thrown out.
21 And then there was like there's no time, and then all
22 of a sudden there was a time. I don't feel like it was
23 prepared properly from the very beginning. It wasn't
24 explained exactly -- I didn't find out until this
25 morning exactly what the deposition was in reference to

1 as far as that he was being sued individually and it
2 wasn't the city. So all that information wasn't given
3 to me.

4 Q. Oh, okay. Who would ordinarily give you that
5 information?

6 A. I would assume, in this particular situation,
7 it would have been the assistant chief.

8 Q. Okay. So you were not aware that Officer
9 Mays was being sued?

10 A. I was made aware today.

11 Q. Okay. But before today --

12 A. Well, actually, yesterday.

13 Q. -- you didn't -- You didn't know before then?

14 A. I didn't have all the information, no.

15 Q. Okay. And so what was your, I guess, role on
16 the scene?

17 A. So because any time a person gets hurt or
18 injured from a traffic accident, someone from the
19 traffic unit has to respond. So I responded and I
20 would basically look over everything and make sure
21 everything occurred the way it was supposed to be. He
22 may have done the accident report himself. I don't
23 know why he did the accident report himself. There
24 should have been an accident report that somebody from
25 the traffic unit actually did.

1 Q. Okay. And so you just -- I guess my thing --
2 my understanding is a little bit different of what
3 traffic officers do. But it's my understanding that
4 you actually conduct an investigation, you look at the
5 scene, you look for tire marks, you try to determine
6 how the accident occurred. If someone's injured, then,
7 you know, it may be a little bit more of an in-depth
8 investigation than if it's a fender bender. And if
9 someone is gravely injured or dies, the investigation
10 can be even more intense. Is that fair to say?

11 A. Yes, I agree.

12 Q. Okay. Did you take any measurements at the
13 scene?

14 A. I did not.

15 Q. Okay. And you don't recall if you took any
16 photographs?

17 A. I don't remember.

18 Q. Okay. Were there any tire marks or anything
19 that would indicate an effort to stop?

20 A. I don't remember seeing any tire marks.

21 Q. Okay. So there's no -- you didn't document
22 the scene -- the physical scene in any way. Is that
23 fair to say?

24 A. Unless there are photos, then that would be
25 fair to say.

1 Q. Okay. So how did you determine what
2 happened?

3 A. So the vehicle was in the bushes. What I was
4 told was that he was following the car --

5 Q. He meaning just for the record?

6 A. Mays.

7 Q. Okay.

8 A. Officer Mays was following a stolen car. He
9 was going toward the back of the complex. And as the
10 vehicle was moving, the door opened, and a person got
11 out of the vehicle. And as he got out of the vehicle,
12 he didn't have time to stop, and he struck the person
13 that got out of the vehicle. The vehicle then
14 continued over into the bushes.

15 Q. Okay.

16 A. So the evidence on the scene with the vehicle
17 in the bushes supports that the vehicle was not stopped
18 and put in park. Where his vehicle was, because I
19 believe that he was already in the ambulance when I got
20 there, he wasn't -- I couldn't tell where he was
21 exactly when he got struck. So that's all the
22 information that I had.

23 Q. Did you make any effort to speak to him or
24 was he --

25 A. I don't remember --

1 Q. -- unable to talk?

2 A. I don't remember if I spoke to him or not.

3 Q. Okay. Did you see anything on the ground
4 that would indicate where the point of contact was
5 between the body and the car?

6 A. I don't remember.

7 Q. Okay. And I want to be very specific in what
8 Officer Mays told you happened. So would you recount,
9 please, for us what Officer Mays told you happened that
10 day?

11 A. So I can't tell you exactly what he said
12 because I don't remember. But if he had his body
13 camera on, it should have been captured on his body
14 camera.

15 Q. Yeah, his body camera wasn't on.

16 A. Of course.

17 Q. So you don't remember exactly what he told
18 you about how the --

19 A. I couldn't -- I couldn't quote him, no.

20 Q. Okay. All right. Do you think that your
21 investigation of this incident was -- Is this your
22 normal method of investigating an incident like this if
23 someone gets hit by a car?

24 A. It's not.

25 Q. Okay. Can you tell me why this is different?

1 A. Probably because I wasn't prepared to
2 respond. Like I said, normally there was another
3 person who would respond. I believe he was out of
4 town, and that's why I had to respond.

5 Q. When you say another person, who -- someone
6 else on the traffic unit?

7 A. Correct.

8 Q. Okay. Who was that person?

9 A. Ken Mohny.

10 Q. All right. And so were you his supervisor?

11 A. Yes.

12 Q. So in theory you are a more experienced
13 officer or at least a higher ranking officer?

14 A. In theory.

15 Q. So I guess I'm just trying to understand.
16 Like, I've seen a lot of accidents in my time, one
17 where someone was actually ran over. And did you -- do
18 you remember seeing the person who was run over?

19 A. I do.

20 Q. Okay. Did he appear to you to be in pain?

21 A. He did.

22 Q. Okay. Did you see his foot or his leg?

23 A. I remember that he definitely had a leg
24 injury.

25 Q. Okay. Well, describe how it appeared to you.

1 A. I don't remember exactly. I do remember
2 seeing that his leg was not the way a normal leg would
3 look.

4 Q. Okay.

5 A. Like maybe it was twisted in the wrong
6 direction.

7 Q. Okay. And how could you tell that he was in
8 pain?

9 A. Because you could look at him and tell that
10 he was in pain.

11 Q. Was he saying anything?

12 A. I don't remember if he said anything. I do
13 remember looking at him, and he was obviously hurting.

14 Q. And I know you don't understand specifically
15 what Officer Mays -- or you don't remember specifically
16 what Officer Mays told you and -- right?

17 A. Correct.

18 Q. And you did not have your body camera on;
19 correct?

20 A. Correct.

21 Q. You weren't in a patrol car, so there was no
22 dash camera footage --

23 A. I don't believe --

24 Q. -- correct?

25 A. I don't believe I was in a patrol car. I

1 don't think I was.

2 Q. But you're not sure?

3 A. No, I'm not sure, but I don't think I was.
4 But even if I was, it still wouldn't have had dash
5 camera footage.

6 Q. Okay. So you -- the traffic unit does not
7 have dash cameras?

8 A. Mine does. However, it doesn't work.

9 Q. Okay. It didn't work then or it just never
10 works?

11 A. It worked in the beginning. It hadn't worked
12 in quite some time. Actually, none of them work on the
13 traffic cars.

14 Q. Okay. You're not sure if there are
15 photographs. Yes?

16 A. Correct.

17 Q. There are no measurements.

18 A. There are not.

19 Q. Okay. What's that little machine that y'all
20 use sometime?

21 A. Called a Total Station.

22 Q. Yeah, no Total Station that --

23 A. So the only time we would utilize a Total
24 Station or do measurements or take photos would be if
25 it was a serious injury or a death. A serious

1 injury -- We would consider a serious injury where it
2 may become a death. And the injuries that he had
3 didn't line up with that.

4 Q. Okay. But what were his injuries?

5 A. He had a injury to his leg.

6 Q. Okay. And that's the only place he was
7 injured?

8 A. That's all I saw.

9 Q. Okay. So if someone gets ran over -- Just
10 want to make sure I understand the traffic unit's sort
11 of policy on investigations, if somebody gets ran over
12 by a vehicle and, let's say, their leg gets crushed,
13 you're telling me that you would not photograph or
14 otherwise document a scene unless that leg injury would
15 lead or could potentially lead to death?

16 A. We would not utilize a Total Station, we
17 would not do measurements unless it was a serious
18 injury or a death. Ran over is very vague. Did his
19 whole body get ran over? Did he -- Or did he get hit?
20 So --

21 Q. Right. That's part of the investigation;
22 right?

23 A. I understand.

24 Q. I can't -- I wasn't there.

25 A. So unless it was a serious injury or a death

1 then we would not take measurements or utilize a Total
2 Station. There should have been photos taken.

3 Q. Okay. Do you -- How typically are you able
4 to, after the fact of an incident like this, tell how
5 fast the vehicles were going?

6 A. There are multiple ways you can tell how fast
7 a vehicle is going. The vehicle could have been
8 downloaded if the vehicle -- If the crash was
9 significant enough, we could download the vehicle. Or
10 if there were tire marks, we could possibly get the
11 speed of the vehicle.

12 Q. Okay. But in this case, we didn't do any of
13 that.

14 A. No.

15 Q. So we don't have any sense of how fast the
16 vehicle was going --

17 A. No.

18 Q. -- when it struck the -- Mr. Early?

19 A. No.

20 Q. Okay. Let me ask you a hypothetical. Let's
21 say it was Officer Mays who had gotten struck by Mr.
22 Early. Would you have investigated it the same way?

23 A. We would have called a outside agency.

24 Q. Okay. How would you have expected them to
25 investigate it? Similar to how you did or in a

1 different fashion?

2 A. I guess it would depend on what their policy
3 is.

4 Q. Yeah. No, but I'm asking you as captain, how
5 would you expect them to have investigated an officer
6 being run over and having his leg crushed by a
7 civilian?

8 A. It would depend on the agency policy. I
9 don't know.

10 Q. You don't have any -- take any position on
11 that one way or another?

12 A. If the injury is not a serious injury --

13 Q. The leg got crushed.

14 A. Okay. I hear what you're saying.

15 Q. Uh-huh.

16 A. Okay. I see people whose head get chopped
17 off, so to me --

18 Q. I have too.

19 A. -- that's different.

20 Q. Yeah.

21 A. So in this particular situation, it would
22 depend on the agency's policy.

23 Q. Okay. And you don't have -- and I guess my
24 question is you don't have a position one way or
25 another as a captain in Union City about how that

1 investigation should be conducted.

2 A. I think it should be appropriate depending on
3 the injuries.

4 Q. Okay. And what does that mean? I said the
5 injury was his leg crushed, so what would be
6 appropriate depending on the injuries if the victim had
7 been a police officer as opposed to a civilian in your
8 opinion?

9 A. In my opinion they should take photographs
10 and they should document the scene.

11 Q. How should they document the scene?

12 A. It depends.

13 Q. On?

14 A. The seriousness of the injury.

15 Q. I just said his leg got crushed.

16 A. Okay. So what does that mean?

17 Q. I mean --

18 A. When I saw --

19 Q. -- someone ran over a person --

20 A. When a leg gets crushed to me --

21 Q. -- and their leg --

22 A. -- is it flat? Is it -- What is it exactly?

23 Q. Broken.

24 A. Okay. So his leg got broken?

25 Q. Ran over and broken.

1 A. Okay.

2 Q. So let's say the officer's leg got run over
3 and broken, how would you expect -- as a captain,
4 supervisor, as a Union City Police Department traffic
5 unit, how would you expect an agency to investigate
6 that?

7 A. I would expect them to take pictures and
8 document the scene.

9 Q. Okay. Like you -- similar to what you did?

10 A. No.

11 Q. How different?

12 A. There probably should have been measurements.

13 Q. Probably should have been?

14 A. As far as -- As far as there being a Total
15 Station, not necessarily, but there may have been
16 measurements.

17 Q. There may have been measurements or there
18 should have been measurements?

19 A. There may have been measurements. It would
20 depend on the situation. I didn't see his injury as
21 being a serious injury. You're telling me his leg is
22 crushed. I didn't see it as his leg being crushed.
23 Was his leg broken? Yes. Was he run over? I don't
24 know. That's what you're telling me today.

25 Q. Well, you don't agree that he was run over?

1 You didn't know that -- You were at the scene and you
2 didn't know that he was run over by a car?

3 A. I don't know he was run over. I know he was
4 hit by the car.

5 Q. So I'm looking at Plaintiff's 2, and this is
6 a report that -- I guess officer Mays prepared his own
7 report of the accident. Yes?

8 A. That's what it looks like, yes.

9 Q. And you would have reviewed it.

10 A. Uh-huh.

11 Q. Yes?

12 A. Yes.

13 Q. Okay. And in the narrative on page 5 of 6,
14 it says, in the last paragraph on that page, "Once
15 Early fell to the ground, he stumbled attempting to
16 stand before he fell on the ground and rolled in front
17 of Mays' patrol unit. Mays felt a bump as if the front
18 tire had rolled over something."

19 A. Okay.

20 Q. What did that mean to you when you reviewed
21 it?

22 A. So I reviewed it after the fact, after we had
23 already cleared the scene. But based off of what
24 you're saying, it does sound like it rolled over
25 something, which we can assume or I guess we'd like to

1 assume that's his leg. But I don't know if that was
2 his leg or not.

3 Q. Okay. Now, what did your review of this
4 report entail? Like, what does that -- what does that
5 entail normally?

6 A. Checking for grammatical errors, making sure
7 he checked all the boxes.

8 Q. So it would not have entailed a review of his
9 body camera?

10 A. No. Officers take reports all day every day.
11 If they reviewed every video, then we'd have to hire a
12 whole another department just to review videos.

13 Q. Well, how many times a day does an officer
14 run over a citizen?

15 A. It's not often.

16 Q. Okay. So let's just focus on that, because
17 that's what we're dealing with, a situation where a
18 civilian got run over by a police officer.

19 A. Okay.

20 Q. Is that the kind of situation that is so
21 voluminous that you wouldn't have time to review his
22 body camera before you signed off on his report?

23 A. Well, you told me he didn't have on his body
24 camera.

25 Q. Well, I'm not telling you answer from what I

1 tell you. I'm asking you as the person who was the
2 captain over this unit --

3 A. I'm --

4 Q. We can't talk at the same time -- as the
5 person who was the captain over this traffic unit, who
6 was the ranking officer on the scene, who signed off on
7 the report by the officer who caused -- who actually
8 struck the civilian with a vehicle, whether you thought
9 it would be prudent to review his body camera before
10 you signed off on his report?

11 A. So, apparently, there's no body camera for me
12 to review.

13 Q. Let's assume there was.

14 A. Okay. Well, there isn't. I don't assume.

15 Q. Would you have typically asked for a body
16 camera under a circumstance like this?

17 A. I would if there was a body camera.

18 Q. Okay. Did you ask on that day?

19 A. I don't remember.

20 Q. Give me just one second. I'm trying to find
21 the guy with the camera on this body camera and see if
22 it's you. It may not be you.

23 This guy right here seems to have a camera.

24 So I'm going to show you what has been produced to me
25 by Officer Mays as part of the body camera footage in

1 connection with this incident. There's a man in this
2 footage with a camera, and I'm just trying to
3 identify him and I want you to tell me if it's you.
4 So just watch this.

5 A. Can you make it bigger?

6 Q. I don't know if I can. I don't know if that
7 makes it bigger? Oh, it does. Okay. I'm going up a
8 little bit.

9 (Video playing.)

10 BY MS. MILLER:

11 Q. So when he walks towards the back of this,
12 there's a guy with a camera.

13 A. That's me.

14 Q. That is you?

15 A. Yeah.

16 Q. Do you see the camera in your hand?

17 A. Uh-huh.

18 Q. Okay. Where do we find that -- the photos
19 that you took?

20 A. I'll have to check the drive and see if they
21 were uploaded.

22 Q. Is there any reason they would not have been
23 uploaded?

24 A. There shouldn't be, no.

25 Q. And when you say the drive, what drive are

1 you referring to?

2 A. There's a shared drive where all the photos
3 are.

4 Q. Okay. All right. Okay. I'll just wrap this
5 up. Where would we -- If we wanted to find your
6 supplement, if you did it -- if you did a supplement,
7 where would we find that?

8 A. If there's not a case file, which I'd have to
9 go and check and see if there is a case file -- I don't
10 believe there is one -- then the supplement should be
11 included with the documents that you already have. It
12 should be attached to the report.

13 Q. And if it's not -- if there is not a
14 supplement attached to the report, does that mean you
15 didn't do one?

16 A. Possibly or it just wasn't attached. I'd
17 have to check.

18 Q. Okay. So there's a way for you to check,
19 though, to see for sure --

20 A. Uh-huh.

21 Q. -- whether you did a supplement?

22 A. Yes. There's a way to see if it's attached.

23 Q. Okay. And can you --

24 MS. MILLER: Mr. Bennett, can you talk to
25 Captain Walker --

1 MR. BENNETT: Yeah.

2 MS. MILLER: -- after and see if he did a
3 supplement and also to see about the photos that
4 it looks like he did take at the scene?

5 MR. BENNETT: Do you mind if I ask you one
6 question?

7 THE WITNESS: Sure.

8 MR. BENNETT: On that particular camera,
9 does it have one -- like a micro SD card to the
10 camera or how do you guys upload it to the --

11 THE WITNESS: It's a micro SD.

12 MR. BENNETT: Micro SD. Okay.

13 BY MS. MILLER:

14 Q. All right. Well, since I don't have your
15 supplement and I don't have your pictures and I don't
16 have any measurements and really no tangible
17 documentation of the scene, I guess we'll have to call
18 this deposition today. And I don't know if Mr. --

19 MS. MILLER: Do you have any additional
20 questions for Captain Walker before we close
21 out?

22 MR. BENNETT: No, I don't think so. I'll
23 check with Chief Dorsey about the photos and see
24 if there were any taken.

25 BY MS. MILLER:

1 Q. Let me ask you this. Is there a -- If you --
2 Are the -- Is the decision about how a scene is
3 documented where there's a traffic injury -- related
4 injury, is that within your discretion or are there
5 SOPs that would dictate how that's supposed to be done?

6 A. There are SOPs. And there are -- They're --
7 Typically in a case like that, it's referred up the
8 command staff, and then it's determined how it's going
9 to be worked. In that particular situation, I'm not
10 sure exactly when or how the decision was made. I'd
11 have to, like I said, look into it further.

12 Q. Well, when you say it's referred, what do you
13 mean by that?

14 A. Any situation like that, we would call the --
15 we'd call the chief or the assistant chief --

16 Q. Okay.

17 A. -- and they would -- they would say -- we'd
18 say, hey, this is how we're going to handle it or
19 whatever. And they'd either sign off on it or not sign
20 off on it.

21 Q. Okay. So how do we know what decision was
22 made in connection with this case? Because I -- Is it
23 fair to assume you don't remember how it happened in
24 this case?

25 A. I don't.

1 Q. Okay. So how would we go about understanding
2 how this was -- the decision was made how to document
3 this traffic injury?

4 A. So I would tell you that any time -- if a
5 person got anywhere, if it wasn't life threatening,
6 there would be no Total Station, there would be -- none
7 of that would happen. There would be photos and there
8 would be a report. If it was a life-threatening
9 injury, then they would take -- bring out a Total
10 Station. Actually, lately we've just been calling
11 Georgia State Patrol. But, typically, there would be a
12 Total Station brought out. They'd do measurements.
13 They'd do the whole nine yards.

14 Q. Uh-huh. Okay. And --

15 A. That would be the only factor is if it's
16 life-threatening or not.

17 Q. Okay. And is that in your SOPs or is that --
18 where is that -- what is that derived from?

19 A. Practice.

20 Q. Okay. And life-threatening, does that appear
21 anywhere in your traffic SOPs in terms of a deciding
22 factor on how a scene should be documented?

23 A. I believe it's going to say serious injury or
24 death in the SOPs, I believe.

25 Q. Okay. And where is serious injury defined

1 at?

2 A. It may not be defined.

3 Q. Okay. All right. But in your mind, serious
4 injury means something that you could die from.

5 A. Correct.

6 Q. Okay. All right. So let me ask you this.
7 And maybe you answered it, and maybe I just missed it.
8 How do I find out the chain of command and who made the
9 final decision on how this incident was going to be
10 treated and documented and investigated?

11 A. You may not. I know that a supervisor would
12 have made a phone call, and the chief is informed of
13 anything that is newsworthy. And that would have been
14 newsworthy, and it would have went up the chain. How
15 it came back down the chain, I don't remember.

16 Q. Okay. So do you think it came back down the
17 chain for you not to take measurements?

18 A. I don't know how it came back down. But I
19 will tell you that unless it was life-threatening, then
20 we would not do measurements like that. There would
21 not be a Total Station brought out. None of that would
22 happen.

23 Q. Okay. I know. I'm beyond Total Station.
24 I'm just talking about just plain old basic traffic
25 scene investigation 101.

1 A. So that's not traffic scene 101 because --

2 Q. Measurements aren't?

3 A. No, it's not.

4 Q. In Union City?

5 A. I'm telling you that out of 100 accidents,
6 unless there is a life-threatening injury, there are no
7 measurements done.

8 Q. No, no, no, no, no, no.

9 A. And that's not Union City. That's
10 everywhere.

11 Q. Fair. I'm not talking about fender benders,
12 bumpers. I'm talking about --

13 A. I'm not talking about fender benders. I'm
14 talking about --

15 Q. We can't talk at the same time.

16 A. I'm talking about people hit.

17 Q. We can't talk at the same time.

18 A. I understand.

19 Q. Captain, we can't talk at the same time.

20 A. You asked me a question.

21 Q. You answered it.

22 A. Okay.

23 Q. So I'm trying to clarify.

24 A. All right.

25 Q. Okay? If we're not talking about a fender

1 bender and we're talking about, let's say, an incident
2 where a pedestrian gets their leg run over --

3 A. Uh-huh.

4 Q. -- that is not the kind of scene that Union
5 City would do measurements for.

6 A. If it's not life-threatening, then, no, they
7 will not do measurements.

8 Q. Okay. Is there ever -- How do you determine
9 if something is life-threatening?

10 A. We refer to the ambulance, and we ask them
11 how serious the injury is. If they tell us that it's
12 life-threatening, then we do measurements. We shut the
13 whole scene down, we block off the scene, and we do
14 measurements.

15 Q. So as a captain over the traffic unit, who do
16 you report -- whose your direct report? Who do you
17 report to?

18 A. I report to the chief. I wasn't the captain
19 over the traffic unit at that moment.

20 Q. Who are you reporting to at this moment?

21 A. Today?

22 Q. Uh-uh. At the moment that we're here about.

23 A. It would have been Gloria Hodgson -- Captain
24 Gloria Hodgson.

25 Q. Can you spell her last name?

1 A. H-o-d-g-s-o-n.

2 Q. And where is she now?

3 A. I guess she's at work. I'm not sure.

4 Q. Is she still a captain?

5 A. She is.

6 Q. What unit is she assigned to?

7 A. She's an administrative captain.

8 Q. And did you consult with her on this day,
9 this day meaning May 1, 2020?

10 A. I don't remember. She would have been in the
11 chain of command, so she should have been contacted.

12 Q. So for lack of a better word, who would be
13 the lead on this case?

14 A. When you say lead, what do you mean?

15 Q. I mean the lead investigator or the person
16 who is responsible for this case -- this case number?

17 A. At that particular time, the case number
18 would have been Mays because he did the report.

19 Q. Did it become someone else's at a later time?

20 A. No, it didn't go past that point.

21 Q. So Mays was the lead investigator on this
22 accident?

23 A. Yes, according to the documentation, yes.

24 Q. Well, do you know one way or another?

25 A. He did the report.

1 Q. So that makes him --

2 A. According to the --

3 Q. -- the lead?

4 A. According to the documentation, yes.

5 Q. And who made that decision?

6 A. I'm not sure.

7 Q. Is there someone besides you who would have
8 made that decision?

9 A. It could have been his supervisor.

10 Q. Okay. I do think that -- I know I said
11 before I was done, but I do think I am done. One more
12 second here.

13 MS. MILLER: Okay. I am done with Captain
14 Walker. And unless Mr. Bennett has any
15 questions for you, that's it.

16 MR. BENNETT: No, no questions.

17 (The deposition in the above-entitled
18 matter was concluded at approximately 10:45
19 a.m.)
20
21
22
23
24
25

Early, Dianti v. Mays, John (Officer)

Page 40

C E R T I F I C A T E

STATE OF GEORGIA)

COUNTY OF FAYETTE)

I, CHARLENE M. HANSARD, Certified Court Reporter, State of Georgia, do hereby certify that the foregoing pages were reported by me via speech recognition and reduced to print by me personally or under my direct supervision and is a true, complete and correct transcript of the aforesaid proceedings reported by me.

I further certify that I am not a relative, employee, attorney or counsel of any of the parties; that I am not a relative or employee of attorney or counsel for any of said parties; nor am I financially interested in the outcome of the action.

This certification is expressly withdrawn and denied upon the disassembly or photocopying of the foregoing transcript, unless said disassembly or photocopying is done by the undersigned certified court reporter and original signature and seal is attached thereto.

This the 17th day of November 2022.



CHARLENE M. HANSARD, CCR, CVR-M

Certificate No. B-2341

D I S C L O S U R E

I, Charlene M. Hansard, do hereby disclose pursuant to Article 10.B. of the Rules and Regulations of the Board of Court Reporting of the Judicial Council of Georgia that I was contacted by the party taking the proceedings to provide court reporting services for this proceeding and there is no contract that is prohibited by O.C.G.A. Section 15-14-37(a) and (b) or Article 7.C. of the Rules and Regulations of the Board for the taking of this proceeding.

There is no contract to provide reporting services between myself or any person with whom I have a principal and agency relationship nor any attorney at law in this action, party to this action, party having a financial interest in this action, or agent for an attorney at law in this action, party to this action, or party having a financial interest in this action. Any and all financial arrangements beyond my usual and customary rates have been disclosed and offered to all parties.

DATED: November 8, 2022.



CHARLENE M. HANSARD, CCR-B-2341

[00816 - believe]

Page 1

0	5	aforesaid 40:9	assist 8:20
00816 1:6	5 27:13	agency 23:23 24:8 26:5 41:14	assistant 14:2 15:7 33:15
1	6	agency's 24:22	assume 15:6 27:25 28:1 29:13,14 33:23
1 3:14 4:6 8:13 38:9	6 3:5 27:13	agent 41:17	atlanta 1:2 2:6 6:22
10.b. 41:3	6770 9:7	ago 6:25 7:1	attached 3:17,18 31:12,14,16,22 40:21
100 1:16 36:5	678 2:12	agree 16:11 26:25	attempting 27:15
101 35:25 36:1	688-3554 2:12	ambulance 12:6 12:9,14 17:19 37:10	attorney 4:10 40:12,13 41:15 41:17
1012 2:11	7	answer 4:25 8:12 28:25	audible 5:2
10:04 1:16 4:2	7.c. 41:9	answered 35:7 36:21	aware 15:8,10
13 2:11 3:15	720-8111 2:6	anybody 13:20	b
14th 2:5	75 2:5	apartment 8:17 9:4,6,23	b 1:15 40:25 41:9,25
15-14-37 41:9	8	apparently 29:11	back 7:17,20,25 17:9 30:11 35:15,16,18
17076 40:24 41:24	8 1:16 41:22	appear 19:20 34:20	barry 1:12 3:4 6:11
17th 40:22	9	appeared 19:25	based 27:23
1:22 1:6	9-11-28 4:5	appropriate 25:2,6	basic 4:22 35:24
2	a	approximately 39:18	basically 15:20
2 3:15 13:3,8,9 27:5	a.m. 1:16 4:2 39:19	area 9:21 10:4	beginning 14:23 21:11
2010 7:3,4	ability 11:7	arrangements 41:19	behalf 2:3,9
2020 8:13 38:9	able 23:3	arrived 9:23 10:22	believe 11:16 17:19 19:3 20:23,25 31:10 34:23,24
2022 1:16 40:22 41:22	accident 8:24,25 15:18,22,23,24 16:6 27:7 38:22	article 41:3,9	
2110 2:5	accidents 8:11 8:22 19:16 36:5	asked 29:15 36:20	
2341 1:15 40:25 41:25	action 1:5 40:15 41:15,15,16,17 41:18,19	asking 24:4 29:1	
3	additional 32:19	assigned 38:6	
30223 2:12	administered 6:8		
30309 2:6	administrative 38:7		
4	affirmative 2:23		
4 3:14			
404 2:6			

[bender - correct]

Page 2

bender 16:8 37:1	c	case 4:12 23:12	clarify 36:23
benders 36:11	c 2:1 4:1 40:1,1	31:8,9 33:7,22	clear 5:6,9
36:13	41:1	33:24 38:13,16	cleared 27:23
bennett 2:10,10	call 8:17,20,21	38:16,17	close 32:20
31:24 32:1,5,8	9:14 10:11,14	caused 29:7	college 6:22
32:12,22 39:14	11:16 32:17	ccr 40:24 41:25	come 10:16
39:16	33:14,15 35:12	certificate 40:25	command 33:8
bennettlawoffi...	called 7:16 21:21	certification	35:8 38:11
2:13	23:23	7:23,24 40:16	commencing
better 38:12	calling 34:10	certified 1:15	1:15
beyond 35:23	calls 8:12 9:18	40:4,19	complete 2:22
41:20	camera 10:7,19	certify 40:5,11	40:8
bigger 30:5,7	10:22,25 11:21	chain 35:8,14,15	complex 8:18
bit 16:2,7 30:8	11:21 18:13,14	35:17 38:11	9:4,6,10,16,24
block 37:13	18:15 20:18,22	changed 9:11	17:9
blocking 10:4	21:5 28:9,22,24	charlene 1:14	complied 4:3
board 41:4,10	29:9,11,16,17,21	40:4,24 41:2,25	concluded 39:18
body 10:7,19,25	29:21,23,25 30:2	check 30:20 31:9	conduct 16:4
18:5,12,13,15	30:12,16 32:8,10	31:17,18 32:23	conducted 25:1
20:18 22:19	cameras 21:7	checked 13:15	confuse 5:8
28:9,22,23 29:9	capacity 11:3	13:16 28:7	connection 30:1
29:11,15,17,21	captain 4:9 5:21	checking 28:6	33:22
29:25	7:4,13,25 24:4	chief 7:6,7,7,8	consider 22:1
bottom 13:14	24:25 26:3 29:2	14:2 15:7 32:23	consult 38:8
boxes 28:7	29:5 31:25	33:15,15 35:12	contact 18:4
break 2:23	32:20 36:19	37:18	contacted 38:11
bring 34:9	37:15,18,23 38:4	chopped 24:16	41:5
broken 25:23,24	38:7 39:13	circumstance	contained 1:13
25:25 26:3,23	captured 18:13	29:16	continued 17:14
brought 34:12	car 9:25 10:9,13	citizen 28:14	continuity 2:23
35:21	11:13 12:2 17:4	city 1:8 5:21,25	contract 41:8,12
buffington 9:7	17:8 18:5,23	6:18 7:13 8:18	conversation 5:3
bump 27:17	20:21,25 27:2,4	15:2 24:25 26:4	cool 5:20
bumpers 36:12	card 32:9	36:4,9 37:5	copies 3:19
bunch 12:3	carry 11:11	civil 1:5	copy 3:18
bushes 9:25 12:3	cars 10:2,3,5	civilian 24:7	correct 5:15 9:8
17:3,14,17	12:3 21:13	25:7 28:18 29:8	19:7 20:17,19,20
			20:24 21:16

[correct - experienced]

Page 3

35:5 40:9 council 41:5 counsel 40:12,14 county 40:3 course 5:6 18:16 court 1:1,15 4:3 4:23 6:3,9 40:4 40:20 41:4,6 crash 3:15 13:4 23:8 crushed 22:12 24:6,13 25:5,15 25:20 26:22,22 customary 11:6 41:20 cv 1:6 cvr 40:24	39:5,8 defendant 1:9 2:9 defined 34:25 35:2 definitely 19:23 denied 40:17 department 1:8 5:22 6:20 26:4 28:12 depend 24:2,8 24:22 26:20 depending 25:2 25:6 depends 25:12 deposition 1:12 1:14 3:14,18 4:7 4:12,18 5:13 13:10,21,24 14:5 14:25 32:18 39:17 depth 16:7 derived 34:18 describe 7:13 9:22 19:25 description 3:13 detective 7:21 determine 12:22 16:5 17:1 37:8 determined 33:8 dianti 1:4 4:11 dictate 33:5 die 35:4 dies 16:9 different 14:19 14:20 16:2 18:25 24:1,19 26:11	differently 8:8 direct 37:16 40:8 direction 20:6 disassembly 40:17,18 disclose 41:2 disclosed 41:21 discretion 33:4 district 1:1,1 division 1:2 document 11:19 16:21 22:14 25:10,11 26:8 34:2 documentation 32:17 38:23 39:4 documented 11:24 33:3 34:22 35:10 documents 31:11 doing 11:25 door 17:10 dorsey 32:23 download 23:9 downloaded 23:8 drive 1:17 2:11 30:20,25,25 31:2 dubose 2:4 dubosemiller.c... 2:7 duly 6:12	40:1 41:1 early 1:4 4:11 23:18,22 27:15 effort 16:19 17:23 either 33:19 else's 38:19 employee 40:12 40:13 ended 8:25 entail 28:4,5 entailed 28:8 entitled 5:9 39:17 errors 28:6 esq 2:4,10 event 11:2 evidence 12:20 17:16 exact 2:22 exactly 2:21 14:24,25 17:21 18:11,17 20:1 25:22 33:10 examination 3:5 6:14 examined 6:12 exhibit 3:12,14 3:15 4:6 13:3,8 13:9 exhibits 3:11,17 expect 24:5 26:3 26:5,7 expected 23:24 experience 8:2 experienced 19:12
d			
d 3:2 4:1,5 38:1 41:1 dash 20:22 21:4 21:7 dated 41:22 dates 14:19 day 8:18 10:10 11:22 18:10 28:10,10,13 29:18 38:8,9 40:22 dead 10:3 dealing 28:17 death 21:25 22:2 22:15,18,25 34:24 deciding 34:21 decision 33:2,10 33:21 34:2 35:9			
		e	
		e 2:1,1 3:2 4:1,1 13:25 14:3 40:1	

[explained - injury]

Page 4

explained 14:24	29:25 30:2	ground 4:22	huh 2:23 5:1
expressly 40:16	foregoing 40:6	10:1 12:4,13	24:15 27:10
f	40:18	18:3 27:15,16	30:17 31:20
f 2:4 40:1	forget 6:6	guess 8:13 15:15	34:14 37:3
fact 23:4 27:22	friend 7:12	16:1 19:15 24:2	hurt 15:17
factor 34:15,22	front 9:1 27:16	24:23 27:6,25	hurting 20:13
fair 16:10,23,25	27:17	32:17 38:3	hypothetical
33:23 36:11	fulton 7:9	guy 29:21,23	23:20
familiar 9:15	function 8:10	30:12	i
far 15:1 26:14	further 33:11	guys 32:10	identification
26:14	40:11	h	4:7 13:5,8
fashion 24:1	g	h 38:1	identify 30:3
fast 6:6 23:5,6	g 4:1 38:1	habersham 1:17	incident 10:19
23:15	general 8:8	hand 12:23	18:21,22 23:4
fayette 40:3	georgia 1:1,17	30:16	30:1 35:9 37:1
fayetteville 1:17	2:6,12 3:15 13:3	handing 13:7	included 31:11
feel 11:12 14:22	34:11 40:2,5	handle 33:18	indicate 16:19
fell 27:15,16	41:5	hansard 1:15	18:4
felt 27:17	give 5:17 15:4	40:4,24 41:2,25	individually 1:7
fender 16:8	29:20	happen 34:7	15:1
36:11,13,25	given 15:2	35:22	information
file 1:5 31:8,9	gloria 37:23,24	happened 8:22	14:19 15:2,5,14
final 35:9	go 11:17 31:9	12:19 17:2 18:8	17:22
financial 41:16	34:1 38:20	18:9 33:23	informed 13:24
41:18,19	going 6:6 10:24	happens 10:15	35:12
financially 40:14	17:9 23:5,7,16	head 24:16	injured 15:18
find 12:19 14:24	29:24 30:7 33:8	hear 24:14	16:6,9 22:7
29:20 30:18	33:18 34:23	help 12:23	injuries 22:2,4
31:5,7 35:8	35:9	helps 4:24	25:3,6
first 6:12 8:25	good 4:9 7:12	hey 33:18	injury 19:24
flat 25:22	9:3 14:17	higher 19:13	21:25 22:1,1,5
focus 28:16	gotten 23:21	hire 28:11	22:14,18,25
following 17:4,8	grammatical	hit 8:21 18:23	24:12,12 25:5,14
follows 6:13	28:6	22:19 27:4	26:20,21 33:3,4
foot 19:22	gravely 16:9	36:16	34:3,9,23,25
footage 10:19,25	griffin 2:12	hodgson 37:23	35:4 36:6 37:11
20:22 21:5		37:24	

[intense - narrative]

Page 5

intense 16:10	l	lying 12:4	34:12 35:17,20
interest 41:16,18	l 41:1	m	36:2,7 37:5,7,12
interested 40:15	lack 38:12	m 1:14 40:4,24	37:14
investigate 8:11	lakes 9:13	40:24 41:2,25	memorial 2:11
23:25 26:5	lately 34:10	machine 21:19	method 18:22
investigated	law 2:10 41:15	mail 13:25 14:3	metropolitan
23:22 24:5	41:17	making 28:6	6:22
35:10	laying 10:1	man 30:1	mhb 2:13
investigating	lead 22:15,15	manager 7:23,24	micro 32:9,11,12
18:22	38:13,14,15,21	march 8:13	millar 2:4,4,7
investigation	39:3	marked 3:17 4:7	3:5 4:9,10,15,18
16:4,8,9 18:21	leg 19:22,23 20:2	13:4,7	4:21 5:20,24 6:2
22:21 25:1	20:2 22:5,12,14	marks 16:5,18	6:5,15 13:6
35:25	24:6,13 25:5,15	16:20 23:10	30:10 31:24
investigations	25:20,21,24 26:2	master 7:16,16	32:2,13,19,25
22:11	26:21,22,23 28:1	math 7:1	39:13
investigator 7:9	28:2 37:2	matter 39:18	mind 32:5 35:3
38:15,21	legend 2:20	matthew 2:10	mine 21:8
j	lieutenant 7:22	mays 1:7 13:12	minute 7:15
john 1:7	8:15	13:15 15:9 17:6	missed 35:7
judicial 41:5	life 34:5,8,16,20	17:8 18:8,9	mohney 19:9
k	35:19 36:6 37:6	20:15,16 23:21	moment 13:10
ken 19:9	37:9,12	27:6,17,17 29:25	37:19,20,22
kind 4:21 7:13	line 22:3	38:18,21	morning 4:9
10:4 28:20 37:4	lion's 8:1	mean 7:6 25:4	14:25
kit 11:11,18	little 16:2,7	25:16,17 27:20	motor 3:15 13:3
knew 6:6	21:19 30:8	31:14 33:13	moving 6:6
know 4:21 5:6	llc 2:4,10	38:14,15	17:10
5:10,16 7:4,19	long 5:24 7:4,6,7	meaning 17:5	multiple 23:6
9:10,13 11:13,23	look 13:10 15:20	38:9	n
13:11 15:13,23	16:4,5 20:3,9	means 10:14	n 2:1 3:2 4:1
16:7 20:14 24:9	33:11	35:4	38:1
26:24 27:1,2,3,3	looked 12:20	measurements	n.e. 2:5
28:1 30:6,6	looking 20:13	16:12 21:17,24	name 4:10 9:10
32:18 33:21	27:5	22:17 23:1	13:13 37:25
35:11,18,23	looks 27:8 32:4	26:12,16,17,18	narrative 27:13
38:24 39:10	lot 9:18 19:16	26:19 32:16	

naturally 5:3 necessarily 26:15 need 6:16 negative 2:24 never 21:9 newsworthy 35:13,14 nine 34:13 nodding 5:2 normal 18:22 20:2 normally 11:16 19:2 28:5 northern 1:1 notice 3:14 4:6 4:12,16 november 1:16 40:22 41:22 number 3:13 13:8,9 38:16,17 numerous 10:1	20:16 23:21 24:5 25:7 27:6 28:13,18 29:6,7 29:25 officer's 26:2 officers 12:18 16:3 28:10 offices 2:10 oh 6:5 13:13 14:6 15:4 30:7 okay 4:15,21 5:19,20 6:2,24 7:10,12 8:1,4,7 8:17 9:6,12,15 9:18,22 10:7,10 10:14,18,21,24 11:2,6,10,14,18 11:23 12:2,10,12 12:16 13:1,17,20 13:23 14:1,6,18 15:4,8,11,15 16:1,12,15,18,21 17:1,7,15 18:3,7 18:20,25 19:8,20 19:22,25 20:4,7 21:6,9,14,19 22:4,6,9 23:3,12 23:20,24 24:14 24:16,23 25:4,16 25:24 26:1,9 27:13,19 28:3,16 28:19 29:14,18 30:7,18 31:4,4 31:18,23 32:12 33:16,21 34:1,14 34:17,20,25 35:3 35:6,16,23 36:22 36:25 37:8	39:10,13 old 35:24 once 27:14 opened 17:10 opinion 25:8,9 opportunity 5:12,15,17 opposed 4:25 25:7 ordinarily 15:4 original 3:18 40:20 originally 3:17 outcome 40:15 outside 23:23	34:11 pedestrian 37:2 people 24:16 36:16 person 9:5 10:1 11:15 15:17 17:10,12 19:3,5 19:8,18 25:19 29:1,5 34:5 38:15 41:13 personal 10:9 11:12 personally 40:7 phone 11:20 35:12 phonetic 2:22 photocopying 40:17,19 photograph 22:13 photographs 11:8 16:16 21:15 25:9 photos 16:24 21:24 23:2 30:18 31:2 32:3 32:23 34:7 physical 16:22 pictures 26:7 32:15 place 22:6 plain 35:24 plaintiff 1:5 2:3 4:11 plaintiff's 3:11 4:6 13:3,9 27:5 playing 30:9
o		<p>p</p> p 2:1,1 4:1 page 3:3,13 27:13,14 pages 40:6 pain 19:20 20:8 20:10 paragraph 27:14 park 17:18 parked 10:2 part 22:21 29:25 particular 15:6 24:21 32:8 33:9 38:17 parties 40:12,14 41:21 party 41:6,15,16 41:17,18 patrol 7:16,16 7:25 8:3,4,6,9,12 9:20 10:5 11:3 20:21,25 27:17	

[please - run]

Page 7

<p>please 18:9</p> <p>point 18:4 38:20</p> <p>police 1:8 5:21 10:2 12:3 25:7 26:4 28:18</p> <p>policy 22:11 24:2,8,22</p> <p>position 8:14 24:10,24</p> <p>possibly 23:10 31:16</p> <p>potentially 22:15</p> <p>practice 34:19</p> <p>preparation 13:20</p> <p>prepared 14:23 19:1 27:6</p> <p>pretty 9:15</p> <p>primary 8:10</p> <p>principal 41:14</p> <p>print 40:7</p> <p>probably 13:18 19:1 26:12,13</p> <p>proceeding 41:7 41:11</p> <p>proceedings 40:9 41:6</p> <p>produced 3:19 29:24</p> <p>prohibited 41:8</p> <p>promoted 7:21 7:22,24</p> <p>properly 14:23</p> <p>provide 41:6,12</p> <p>prudent 29:9</p> <p>pull 10:25</p>	<p>purposes 4:8 13:5,8</p> <p>pursuant 1:12 4:16 41:3</p> <p>put 17:18</p> <p>q</p> <p>question 5:5,9 24:24 32:6 36:20</p> <p>questions 5:8 32:20 39:15,16</p> <p>quite 21:12</p> <p>quote 18:19</p> <p>r</p> <p>r 2:1 4:1 40:1 41:1</p> <p>ran 19:17 22:9 22:11,18,19 25:19,25</p> <p>ranking 19:13 29:6</p> <p>rates 41:20</p> <p>reading 1:13</p> <p>really 32:16</p> <p>reason 11:12 14:17 30:22</p> <p>recall 10:21 16:15</p> <p>receive 4:12</p> <p>received 13:25 14:3</p> <p>recognition 40:7</p> <p>record 17:5</p> <p>recount 18:8</p> <p>reduced 40:7</p> <p>refer 37:10</p>	<p>reference 14:25</p> <p>referred 33:7,12</p> <p>referring 31:1</p> <p>refresh 4:23</p> <p>regulations 41:4 41:10</p> <p>related 33:3</p> <p>relationship 41:14</p> <p>relative 40:11,13</p> <p>remember 10:6 10:23,24 11:12 11:22,25,25 12:11,12,13,15 12:19 13:19 16:17,20 17:25 18:2,6,12,17 19:18,23 20:1,1 20:12,13,15 29:19 33:23 35:15 38:10</p> <p>repeat 4:22</p> <p>rephrase 5:7</p> <p>report 3:15 12:1 12:21,24 13:1,4 13:11,12,16,17 14:12 15:22,23 15:24 27:6,7 28:4,22 29:7,10 31:12,14 34:8 37:16,16,17,18 38:18,25</p> <p>reported 40:6,10</p> <p>reporter 1:15 4:3,23 6:3,9 40:5,20</p> <p>reporting 37:20 41:4,7,12</p>	<p>reports 28:10</p> <p>represent 4:11</p> <p>requirements 4:4</p> <p>respond 11:19 15:19 19:2,3,4</p> <p>responded 9:18 10:13 14:5 15:19</p> <p>responding 8:23 11:3</p> <p>responses 5:1</p> <p>responsible 38:16</p> <p>review 5:13,16 5:17 14:10 28:3 28:8,12,21 29:9 29:12</p> <p>reviewed 27:9 27:20,22 28:11</p> <p>right 5:20 8:7 10:18 18:20 19:10 20:16 22:21,22 29:23 31:4 32:14 35:3 35:6 36:24</p> <p>road 9:7</p> <p>role 15:15</p> <p>rolled 27:16,18 27:24</p> <p>rules 4:22 41:3,9</p> <p>run 19:18 24:6 26:2,23,25 27:2 27:3 28:14,18 37:2</p>
---	---	--	--

[s - tell]

Page 8

s	serious 21:25,25 22:1,17,25 24:12 26:21 34:23,25 35:3 37:11 seriousness 25:14 services 41:7,13 shannon 9:13 share 8:1 shared 31:2 shift 10:15 show 10:25 29:24 showed 14:8 shut 37:12 sic 2:21 sign 5:16,18 33:19,19 signature 40:20 40:24 41:24 signed 28:22 29:6,10 significant 23:9 signing 1:14 similar 23:25 26:9 situation 15:6 24:21 26:20 28:17,20 33:9,14 somebody 8:22 15:24 22:11 someone's 16:6 sops 33:5,6 34:17,21,24 sorry 6:5 12:7 sort 9:23 22:10 sound 27:24	speak 17:23 specific 18:7 specifically 20:14,15 speech 2:23 40:6 speed 23:11 spell 37:25 spelling 2:22 spoke 12:18,18 12:20 18:2 staff 33:8 stand 27:16 started 7:14 state 34:11 40:2 40:5 states 1:1 station 21:21,22 21:24 22:16 23:2 26:15 34:6 34:10,12 35:21 35:23 stipulations 1:13 stolen 17:8 stop 16:19 17:12 stopped 17:17 street 2:5 7:18 7:18 struck 9:5 17:12 17:21 23:18,21 29:8 stumbled 27:15 sudden 14:22 sued 15:1,9 suite 2:5,11 supervision 40:8 supervisor 11:21 19:10 26:4 35:11 39:9	supplement 31:6 31:6,10,14,21 32:3,15 supplemental 13:18 support 8:12 supports 17:17 supposed 15:21 33:5 sure 5:1,14 9:3 11:1 13:19 15:20 21:2,3,14 22:10 28:6 31:19 32:7 33:10 38:3 39:6 sworn 6:3,12
s 2:1 4:1 38:1 41:1,1 saw 22:8 25:18 saying 20:11 24:14 27:24 says 27:14 scene 9:23 11:19 11:24 12:17,21 15:16 16:5,13,22 16:22 17:16 22:14 25:10,11 26:8 27:1,23 29:6 32:4,17 33:2 34:22 35:25 36:1 37:4 37:13,13 scj 1:6 sd 32:9,11,12 seal 40:20 second 11:2 29:20 39:12 section 4:4 41:8 see 6:5,16 8:13 9:2 10:12,24 13:13 14:12 18:3 19:22 24:16 26:20,22 29:21 30:16,20 31:9,19,22 32:2 32:3,23 seeing 16:20 19:18 20:2 seen 10:18 19:16 sense 5:10 23:15 separately 13:17 sergeant 7:17,18 7:21,21	t t 40:1,1 take 11:7 13:10 16:12 21:24 23:1 24:10 25:9 26:7 28:10 32:4 34:9 35:17 taken 1:12 4:19 23:2 32:24 talk 13:20 18:1 29:4 31:24 36:15,17,19 talking 35:24 36:11,12,13,14 36:16,25 37:1 tangible 32:16 tanya 2:4 4:10 team 8:5 tell 5:7 8:20 12:16 13:2 17:20 18:11,25		

[tell - went]

Page 9

20:7,9 23:4,6	32:18 37:21	34:11	23:1
29:1 30:3 34:4	told 17:4 18:8,9	typos 5:14	v
35:19 37:11	18:17 20:16	u	vague 22:18
telling 22:13	28:23	u 41:1	vehicle 3:15 9:1
26:21,24 28:25	total 21:21,22,23	uh 2:23,24,24	13:4 17:3,10,11
36:5	22:16 23:1	5:1,1,1 24:15	17:11,13,13,16
ten 6:1,17	26:14 34:6,9,12	27:10 30:17	17:17,18 22:12
terms 34:21	35:21,23	31:20 34:14	23:7,7,8,9,11,16
testified 6:13	town 11:16 19:4	37:3,22,22	29:8
theory 19:12,14	traffic 7:15,20	unable 18:1	vehicles 23:5
thereto 40:21	7:22 8:2,5,8,10	undersigned	victim 25:6
thing 16:1	8:15 11:4,5,7	40:19	video 28:11 30:9
think 8:15 10:8	15:18,19,25 16:3	understand 5:5	videos 28:12
11:1 13:1 18:20	19:6 21:6,13	19:15 20:14	voluminous
21:1,3 25:2	22:10 26:4 29:5	22:10,23 36:18	28:21
32:22 35:16	33:3 34:3,21	understanding	vs 1:6
39:10,11	35:24 36:1	16:2,3 34:1	w
thought 2:22	37:15,19	union 1:8 5:21	waived 1:14
13:13 29:8	trailing 2:22	5:25 6:17 7:12	walker 1:12 3:4
threatening 34:5	trajectory 7:13	8:18 24:25 26:4	4:9,14,17,20
34:8,16,20 35:19	transcript 2:20	36:4,9 37:4	5:19,23 6:1,11
36:6 37:6,9,12	5:13 40:9,18	unit 7:15,20,22	31:25 32:20
thrown 14:20,20	treated 35:10	8:2,8,10,16	39:14
tickets 8:11	tremendously	15:19,25 19:6	walks 30:11
time 8:16,23	4:25	21:6 26:5 27:17	want 5:15 18:7
14:21,22 15:17	true 40:8	29:2,5 37:15,19	22:10 30:3
17:12 19:16	trust 6:16	38:6	wanted 31:5
21:12,23 28:21	try 16:5	unit's 22:10	watch 30:4
29:4 34:4 36:15	trying 5:8 12:19	united 1:1	way 12:22 15:21
36:17,19 38:17	19:15 29:20	unknown 2:22	16:22 20:2
38:19	30:2 36:23	upload 32:10	23:22 24:11,24
times 14:20	tuesday 1:16	uploaded 30:21	31:18,22 38:24
28:13	turned 9:1	30:23	ways 23:6
tire 16:5,18,20	twelve 6:25 7:1	use 21:20	we've 34:10
23:10 27:18	twisted 20:5	usual 41:20	went 7:14,17,20
today 4:13 9:14	two 6:23 8:22	utilize 11:20	7:25 9:3 35:14
13:21,24 14:7,8	typically 11:11	21:23 22:16	
15:10,11 26:24	23:3 29:15 33:7		

[withdrawn - yesterday]

Page 10

withdrawn

40:16

witness 3:3 6:8

32:7,11

word 38:12**words** 5:14**work** 8:6 21:8,9

21:12 38:3

worked 6:21,22

7:11 21:11,11

33:9

works 21:10**wrap** 31:4**wreck** 8:23**write** 8:11**wrong** 20:5**x****x** 3:2**y****y'all** 21:19**yards** 34:13**yeah** 7:8 9:20

10:17 13:15

18:15 21:22

24:4,20 30:15

32:1

year 7:19**years** 6:1,17,23

6:24,25 7:1,11

yesterday 15:12

Federal Rules of Civil Procedure

Rule 30

(e) Review By the Witness; Changes.

(1) Review; Statement of Changes. On request by the deponent or a party before the deposition is completed, the deponent must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

(A) to review the transcript or recording; and

(B) if there are changes in form or substance, to sign a statement listing the changes and the reasons for making them.

(2) Changes Indicated in the Officer's Certificate. The officer must note in the certificate prescribed by Rule 30(f)(1) whether a review was requested and, if so, must attach any changes the deponent makes during the 30-day period.

DISCLAIMER: THE FOREGOING FEDERAL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY.

THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE FEDERAL RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at www.veritext.com.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DIANTI EARLY,

Plaintiff,

v.

OFFICER JOHN MAYS,
Individually, as an officer of the
UNION CITY POLICE
DEPARTMENT,

Defendant.

Civil Action No. 1:22-cv-00816-SCJ

NOTICE OF DEPOSITION OF OFFICER JOHN MAYS

TO: Officer Barry Walker
c/o Matthew Bennet
1012 Memorial Drive, Suite 13
Griffin, Georgia 30223

You are hereby notified that on **November 8, 2022, at 10 a.m.**, I will proceed to take the deposition of Officer Barry Walker at McNally, Fox, Grant & Davenport, P.C., 100 Habersham Drive, Fayetteville, Georgia 30214. The deposition will be taken upon oral examination, with a written and/or sound and visual record made thereof (e.g. videotape, LiveNote, etc.) pursuant to Rule 30 of the Federal Rules of Civil Procedure. The deposition will be taken by Tanya F. Miller, Esq. before a notary public or certified shorthand reporter authorized to administer oaths in the State of Georgia. The oral examination will continue from day to day until its completion. The deposition will be taken for the purposes of



cross-examination, discovery, and for all other purposes permitted under the Federal Rules of Civil procedure or other applicable law.

Respectfully submitted this 3rd day of November 2022.

DUBOSE MILLER, LLC

/s/Tanya F. Miller

Tanya F. Miller

Georgia Bar. No. 508434

ATTORNEY FOR PLAINTIFF

75 14th St. NE, Suite 2110
Atlanta, GA 30309
404-720-8111

CERTIFICATE OF SERVICE

I hereby certify that I have caused service of the within and foregoing Notice of Deposition of Officer John Mays, to be made upon all parties in the above-referenced matter via the electronic filing system:

Matthew Bennett
Bennett Law Office, LLC
1012 Memorial Drive, Suite 13
Griffin, Georgia 30223
mhb@bennettlawofficellc.com

Submitted, this 3rd day of November 2022.

/s/Tanya F. Miller

Tanya F. Miller

Georgia Bar. No. 508434

ATTORNEY FOR PLAINTIFF

Agency Case Number 20-002897		Agency NCIC Number GA0600600		GEORGIA MOTOR VEHICLE CRASH REPORT		County FULTON		Date Rec. by GDOT	
Estimated Crash Date 03/01/2020 Time 1730		Dispatch Date 03/01/2020 Time 1730		Arrival Date 03/01/2020 Time 1745		Total Number of Vehicles 2 Injuries 0 Fatalities 0		Inside City of UNION CITY	
Road of Occurrence <u>BUFFINGTON ROAD</u>				At Its Intersection With _____				<input type="checkbox"/> Corrected Report <input type="checkbox"/> Sup To Original <input type="checkbox"/> Hit and Run	
Not At Its Intersection But _____				Of _____					
Latitude (Y) <u>33.57034374</u> (Format) <u>00.00000</u>				Longitude (X) <u>-84.51084339</u> (Format) <u>-00.00000</u>					
Unit # 1	<input type="checkbox"/> Driver <input type="checkbox"/> Ped <input type="checkbox"/> Bike	LAST NAME EARLY FIRST RAMON MIDDLE DIANTI		Unit # 1	<input type="checkbox"/> Driver <input type="checkbox"/> Ped <input type="checkbox"/> Bike	LAST NAME EARLY FIRST RAMON MIDDLE DIANTI			
<input type="checkbox"/> Susp At Fault		Address 5644 SOUTH CREST LN		<input type="checkbox"/> Susp At Fault		Address 5644 SOUTH CREST LN			
City LITHONIA		State GA		Zip 30038-		DOB 1997			
Driver's License No.		Class		State		Country US			
Insurance Co. PRIVLAGE UNDER WRITERS		Policy No. PA1890803		Telephone No.		Insurance Co.		Policy No.	
Year 2017		Make JEEP		Model GRAND CHEROKEE MP		Year 0		Make Model	
VIN 1C4RJEBG5HC877489		Vehicle Color BLACK		VIN		Vehicle Color			
Tag # RLE5431		State GA		County FULTON		Year 2020			
Trailer Tag #		State		County		Year			
<input type="checkbox"/> Same as Driver		Owner's Last Name OLSEN		First STEPHEN		Middle REID			
Address 8 WHITEWATER TRL NW		City ATLANTA		State GA		Zip 30327			
Removed By:		<input type="checkbox"/> Request <input type="checkbox"/> List		Removed By:		<input type="checkbox"/> Request <input type="checkbox"/> List			
Alco Test:	Type:	Results:	Drug Test:	Type:	Results:	Alco Test:	Type:	Results:	Drug Test:
First Harmful Event:	Most Harmful Event:		Operator/Ped Cond:		First Harmful Event: 6	Most Harmful Event:		Operator/Ped Cond: 2	
Operator Contributing Factors:				Operator Contributing Factors: 28					
Vehicle Contributing Factors:		Roadway Contributing Factors:		Vehicle Contributing Factors:		Roadway Contributing Factors: 1			
Direction of Travel:		Vehicle Maneuver:		Non-Motor Maneuver:		Direction of Travel: 3		Vehicle Maneuver:	
Vehicle Class: 1		Vehicle Type: 11		Vision Obscured:		Vehicle Class:		Vehicle Type:	
Number of Occupants: 0		Area of Initial Contact:		Damage to Veh:		Number of Occupants: 0		Area of Initial Contact:	
Traffic-Way Flow:		Road Comp:		Road Character:		Traffic-Way Flow:		Road Comp: 2	
Number of Lanes:		Posted Speed: 0		Work Zone: 0		Number of Lanes:		Posted Speed: 0	
Traffic Control:		Device Inoperative: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Traffic Control: 0		Device Inoperative: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Citation Information:				Citation Information:					
Citation #		O.C.G.A. §		Citation #		O.C.G.A. §			
Citation #		O.C.G.A. §		Citation #		O.C.G.A. §			
Citation #		O.C.G.A. §		Citation #		O.C.G.A. §			
COMMERCIAL MOTOR VEHICLES ONLY									
Carrier Name:				Carrier Name:					
Address		City		State		Zip			
U.S. D.O.T. #		No. of Axles		G.V.W.R.		U.S. D.O.T. #		No. of Axles	
Cargo Body Type		Vehicle Config.		<input type="checkbox"/> Interstate <input type="checkbox"/> Intrastate		Fed. Reportable <input type="checkbox"/> Yes <input type="checkbox"/> No		Cargo Body Type	
C.D.L.?		<input type="checkbox"/> Yes <input type="checkbox"/> No		C.D.L. Suspended?		<input type="checkbox"/> Yes <input type="checkbox"/> No		C.D.L.?	
Vehicle Placarded?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Hazardous Materials?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Vehicle Placarded?	
Haz Mat Released?		<input type="checkbox"/> Yes <input type="checkbox"/> No		Haz Mat Released?		<input type="checkbox"/> Yes <input type="checkbox"/> No			
If YES: Name or four Digit Number from Diamond or Box: _____				If YES: Name or four Digit Number from Diamond or Box: _____					
One Digit Number from Bottom of Diamond: _____				One Digit Number from Bottom of Diamond: _____					
<input type="checkbox"/> Ran Off Road <input type="checkbox"/> Down Hill Runaway <input type="checkbox"/> Cargo Loss or Shift <input type="checkbox"/> Separation of Units				<input type="checkbox"/> Ran Off Road <input type="checkbox"/> Down Hill Runaway <input type="checkbox"/> Cargo Loss or Shift <input type="checkbox"/> Separation of Units					

GDOT-523 (07/17)



MAYS 107

COLLISION FIELDS													
Manner of Collision:		Location at Area of Impact:		Weather:		Surface Condition:		Light Condition:					
NARRATIVE													
<p>On Sunday March 01 2020, at approximately 1646 hours, Officer MAYS, of the Union City Police Department was on patrol in the parking lot of the Exxon Gas Station located at 3985 Jonesboro Road in Union City Fulton County Georgia.</p> <p>While on patrol Officer MAYS, observed a Black in color 2017 Jeep Grand Cherokee tag number RLE5431 VIN number 1C4RJEBG5HC877489 backed up in the front door area of the Exxon. MAYS, observed the front passenger seat occupied by a black male. Due to MAYS, having Prior knowledge of a stolen Black Jeep that had been involved in several crimes with in the City Of Union City, as well as surrounding agencies, and also that the occupants were known to be armed with a firearm and possibly dangerous. MAYS continued to observe the vehicle.</p> <p>Approximately one minute later, a black male EARLY, exited the store and while he was wa king to the driver side of the Black Jeep, MAYS observed a large bulge in the front waist band of EARLYS gray sweat pants, that did not appear to be normal. Once EARLY got into the driver side of the Black Jeep, he drove off toward Buffington Road. At this time the tag was visible. MAYS advised Fulton County Dispatch to conduct a Georgia Crime Information Center search of the vehicles (continued...)</p>													
DIAGRAM													
PROPERTY DAMAGE INFORMATION													
Damage Other Than Vehicle:						Owner:							
WITNESS INFORMATION													
Name (Last, First)		Address				City		State		Zip Code		Telephone Number	
OCCUPANT INFORMATION													
1	Name (Last, First) EARLY, DIANTI					Address 5644 SOUTHCREST LN LITHONIA, GA							
	Age 22	Sex M	Unit # 1	Position 9	Safety Eq 0	Ejected 0	Extricated 2	Air Bag	Injury 2	Taken for Treatment 0			
	Injured Taken To		By		EMS Notified Time (Fatality Only) 0000		EMS Arrival Time (Fatality Only) 0000		Hospital Arrival Time (Fatality Only) 0000				
2	Name (Last, First) MAYS, JOHN					Address 5060 UNION STREET UNION CITY, GA, 30291-							
	Age 43	Sex M	Unit # 2	Position 1	Safety Eq	Ejected 0	Extricated 0	Air Bag	Injury	Taken for Treatment 0			
	Injured Taken To		By		EMS Notified Time (Fatality Only) 0000		EMS Arrival Time (Fatality Only) 0000		Hospital Arrival Time (Fatality Only) 0000				
3	Name (Last, First)					Address							
	Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment			
	Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)				
4	Name (Last, First)					Address							
	Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment			
	Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)				
ADMINISTRATIVE													
Photos Taken: <input type="checkbox"/> Yes By: <input type="checkbox"/> No						Officer Note: If collision resulted in a fatality, please send prompt notification to the GDOT Crash Reporting Unit via either email at GeorgiaFARS@dot.ga.gov or Fax at (404) 635-2963.							
Report By: MAYS, JOHN		Agency: GA0600600		Report Date: 03/01/2020		Checked By: WALKER, BARRY		Date Checked: 07/01/2020					

Agency Case Number 20-002897		Agency NCIC Number GA0600600		GEORGIA MOTOR VEHICLE CRASH REPORT				County FULTON		Date Rec. by GDOT	
Estimated Crash Date 03/01/2020 Time 1730		Dispatch Date 03/01/2020 Time 1730		Arrival Date 03/01/2020 Time 1745		Total Number of Vehicles 2 Injuries 0 Fatalities 0		Inside City of UNION CITY			
Road of Occurrence <u>BUFFINGTON ROAD</u>				At Its Intersection With _____				<input type="checkbox"/> Corrected Report <input type="checkbox"/> Sup To Original <input type="checkbox"/> Hit and Run			
Not At Its Intersection But _____				Of _____							
Latitude (Y) <u>33.57034374</u> (Format) <u>00.000000</u>				Longitude (X) <u>-84.51084339</u> (Format) <u>-00.000000</u>							
Unit # 2	<input type="checkbox"/> Driver <input type="checkbox"/> Ped <input type="checkbox"/> Bike	LAST NAME MAYS Address 5060 UNION STREET		FIRST JOHN	MIDDLE AARON	Unit #	<input type="checkbox"/> Driver <input type="checkbox"/> Ped <input type="checkbox"/> Bike	LAST NAME		FIRST	MIDDLE
<input type="checkbox"/> Susp At Fault		5060 UNION STREET		<input type="checkbox"/> Susp At Fault							
City UNION CITY		State GA		Zip 30291-		DOB 1976		City		State Zip DOB	
Driver's License No.		Class C		State GA		Country US		Driver's License No.		Class State Country	
Insurance Co. GIRMA		Policy No. GIRMA 1		Telephone No.		Insurance Co.		Policy No.		Telephone No.	
Year 2012		Make CHEVROLET		Model IMPALA		Year		Make		Model	
VIN 2G1WD5E35G1164351		Vehicle Color WHITE		VIN		Vehicle Color					
Tag # GV8336K		State GA		County FULTON		Year 2021		Tag #		State County Year	
Trailer Tag #		State		County		Year		Trailer Tag #		State County Year	
<input type="checkbox"/> Same as Driver		Owner's Last Name CITY OF UNION CITY		First		Middle		<input type="checkbox"/> Same as Driver		Owner's Last Name First Middle	
Address 5047 UNION STREET		City UNION CITY		State GA		Zip 30291-		Address		City State Zip	
Removed By:		<input type="checkbox"/> Request <input type="checkbox"/> List		Removed By:		<input type="checkbox"/> Request <input type="checkbox"/> List					
Alco Test:	Type:	Results:	Drug Test:	Type:	Results:	-1	Alco Test:	Type:	Results:	Drug Test:	Type: Results:
First Harmful Event:		Most Harmful Event:		Operator/Ped Cond:		First Harmful Event:		Most Harmful Event:		Operator/Ped Cond:	
Operator Contributing Factors:				Operator Contributing Factors:							
Vehicle Contributing Factors:		Roadway Contributing Factors:		Vehicle Contributing Factors:		Roadway Contributing Factors:					
Direction of Travel:		Vehicle Maneuver:		Non-Motor Maneuver:		Direction of Travel:		Vehicle Maneuver:		Non-Motor Maneuver:	
Vehicle Class: 2		Vehicle Type: 1		Vision Obscured:		Vehicle Class:		Vehicle Type:		Vision Obscured:	
Number of Occupants: 0		Area of Initial Contact:		Damage to Veh:		Number of Occupants:		Area of Initial Contact:		Damage to Veh:	
Traffic-Way Flow:		Road Comp:		Road Character:		Traffic-Way Flow:		Road Comp:		Road Character:	
Number of Lanes:		Posted Speed: 0		Work Zone: 0		Number of Lanes:		Posted Speed:		Work Zone:	
Traffic Control:		Device Inoperative: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Traffic Control:		Device Inoperative: <input type="checkbox"/> Yes <input type="checkbox"/> No					
Citation Information:		Citation # _____ O.C.G.A. § _____		Citation Information:		Citation # _____ O.C.G.A. § _____		Citation # _____ O.C.G.A. § _____		Citation # _____ O.C.G.A. § _____	
Carrier Name:		City State Zip		Carrier Name:		City State Zip					
U.S. D.O.T. #		No. of Axles		G.V.W.R.		U.S. D.O.T. #		No. of Axles		G.V.W.R.	
Cargo Body Type		Vehicle Config.		<input type="checkbox"/> Interstate <input type="checkbox"/> Intrastate		Fed. Reportable <input type="checkbox"/> Yes <input type="checkbox"/> No		Cargo Body Type		Vehicle Config. <input type="checkbox"/> Interstate <input type="checkbox"/> Intrastate <input type="checkbox"/> Yes <input type="checkbox"/> No	
C.D.L.? <input type="checkbox"/> Yes <input type="checkbox"/> No		C.D.L. Suspended? <input type="checkbox"/> Yes <input type="checkbox"/> No		C.D.L.? <input type="checkbox"/> Yes <input type="checkbox"/> No		C.D.L. Suspended? <input type="checkbox"/> Yes <input type="checkbox"/> No		Vehicle Placarded? <input type="checkbox"/> Yes <input type="checkbox"/> No		Hazardous Materials? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Haz Mat Released? <input type="checkbox"/> Yes <input type="checkbox"/> No		If YES: Name or four Digit Number from Diamond or Box: _____		One Digit Number from Bottom of Diamond: _____		Haz Mat Released? <input type="checkbox"/> Yes <input type="checkbox"/> No		If YES: Name or four Digit Number from Diamond or Box: _____		One Digit Number from Bottom of Diamond: _____	
<input type="checkbox"/> Ran Off Road		<input type="checkbox"/> Down Hill Runaway		<input type="checkbox"/> Cargo Loss or Shift		<input type="checkbox"/> Separation of Units		<input type="checkbox"/> Ran Off Road		<input type="checkbox"/> Down Hill Runaway <input type="checkbox"/> Cargo Loss or Shift <input type="checkbox"/> Separation of Units	

GDOT-523 (07/17)

MAYS 109

COLLISION FIELDS											
Manner of Collision:		Location at Area of Impact:		Weather:		Surface Condition:		Light Condition:			
NARRATIVE											
<p>On Sunday March 01 2020, at approximately 1646 hours, Officer MAYS, of the Union City Police Department was on patrol in the parking lot of the Exxon Gas Station located at 3985 Jonesboro Road in Union City Fulton County Georgia.</p> <p>While on patrol Officer MAYS, observed a Black in color 2017 Jeep Grand Cherokee tag number RLE5431 VIN number 1C4RJEBG5HC877489 backed up in the front door area of the Exxon. MAYS, observed the front passenger seat occupied by a black male. Due to MAYS, having Pryor knowledge of a stolen Black Jeep that had been involved in several crimes with in the City Of Union City, as well as surrounding agency's, and also that the occupants were known to be armed with a firearm and possibly dangerous. MAYS continued to observe the vehicle.</p> <p>Approximately one minute later, a black male EARLY, exited the store and while he was wa king to the driver side of the Black Jeep, MAYS observed a large bulge in the front waist band of EARLYS gray sweat pants, that did not appear to be normal. Once EARLY got into the driver side of the Black Jeep, he drove off toward Buffington Road. At this time the tag was visible. MAYS advised Fulton County Dispatch to conduct a Georgia Crime Information Center search of the vehicles (continued...)</p>											
DIAGRAM											
PROPERTY DAMAGE INFORMATION											
Damage Other Than Vehicle:						Owner:					
WITNESS INFORMATION											
Name (Last, First)		Address				City		State		Zip Code Telephone Number	
OCCUPANT INFORMATION											
1	Name (Last, First) EARLY, DIANTI					Address 5644 SOUTHCREST LN LITHONIA, GA					
	Age 22	Sex M	Unit # 1	Position 9	Safety Eq 0	Ejected 0	Extricated 2	Air Bag	Injury 2	Taken for Treatment 0	
	Injured Taken To		By		EMS Notified Time (Fatality Only) 0000		EMS Arrival Time (Fatality Only) 0000		Hospital Arrival Time (Fatality Only) 0000		
2	Name (Last, First) MAYS, JOHN					Address 5060 UNION STREET UNION CITY, GA, 30291-					
	Age 43	Sex M	Unit # 2	Position 1	Safety Eq	Ejected 0	Extricated 0	Air Bag	Injury	Taken for Treatment 0	
	Injured Taken To		By		EMS Notified Time (Fatality Only) 0000		EMS Arrival Time (Fatality Only) 0000		Hospital Arrival Time (Fatality Only) 0000		
3	Name (Last, First)					Address					
	Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment	
	Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)		
4	Name (Last, First)					Address					
	Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment	
	Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)		
ADMINISTRATIVE											
Photos Taken: <input type="checkbox"/> Yes By: <input type="checkbox"/> No					Officer Note: If collision resulted in a fatality, please send prompt notification to the GDOT Crash Reporting Unit via either email at GeorgiaFARS@dot.ga.gov or Fax at (404) 635-2963.						
Report By: MAYS, JOHN		Agency: GA0600600		Report Date: 03/01/2020		Checked By: WALKER, BARRY		Date Checked: 07/01/2020			

SUPPLEMENT
GEORGIA MOTOR VEHICLE CRASH REPORT

Agency Case Number: 20-002897

Estimated Crash Date: 03/01/2020

Officer Name: MAYS, JOHN

NARRATIVE

registration.

The vehicle left the parking lot traveling North Bound on Buffington Road. MAYS continued to follow the vehicle while he was waiting on the returns from dispatch. The vehicle made a right turn into the Parks Of Netherly Apartments Located at 6770 Buffington Road in Union City, Fulton County, Georgia. MAYS still awaiting returns from dispatch, continued to follow the vehicle into the apartment complex. Fulton County Dispatched advised MAYS the returns on the vehicle returned stolen out of the City Of Atlanta.

At this time MAYS notified dispatch that he was attempting to pull the vehicle over and advised of the location activating emergency equipemnt on his city issued patrol unit. The vehicles motion continued at approximately 13 MPH through the complex disregarding MAYS blue lights. MAYS activated his sirens and the vehicle continued to building 1400. MAYS continued to follow the vehicle knowing that the road was soon going to dead end to a cul-de-sac.

While the vehicle was approaching the cul-de-sac, the front drivers side and passenger side doors opened. MAYS observed the passenger jump out of the vehicle, fleeing on foot toward the wood line. Seconds later the driver EARLY jumped out of the driver side door and left the vehicle rolling. The vehicle ran over a curb and struck a tree before coming to a complete stop.

Once EARLY jumped out of the moving vehicle, MAYS approached the cul-de-sac in his patrol unit. EARLY appeared to loose his balance before falling to the ground. Once EARLY fell to the ground he stumbled attempting to stand before he fell on the ground and rolled in front of MAYS patrol unit. MAYS felt a bump as if the front tire had rolled over something. MAYS, quickly exited his patrol car and ran around to the passenger side at which point EARLY stood up and fled on foot into the woods.

(continued...)

ADDITIONAL CITATION INFORMATION

Unit # _____:	Unit # _____:
Citation # _____ O.C.G.A. § _____	Citation # _____ O.C.G.A. § _____
Citation # _____ O.C.G.A. § _____	Citation # _____ O.C.G.A. § _____
Citation # _____ O.C.G.A. § _____	Citation # _____ O.C.G.A. § _____
Citation # _____ O.C.G.A. § _____	Citation # _____ O.C.G.A. § _____
Citation # _____ O.C.G.A. § _____	Citation # _____ O.C.G.A. § _____
Citation # _____ O.C.G.A. § _____	Citation # _____ O.C.G.A. § _____
Citation # _____ O.C.G.A. § _____	Citation # _____ O.C.G.A. § _____

ADDITIONAL OCCUPANT INFORMATION

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

SUPPLEMENT
GEORGIA MOTOR VEHICLE CRASH REPORT

Agency Case Number: 20-002897

Estimated Crash Date: 03/01/2020

Officer Name: MAYS, JOHN

NARRATIVE

MAYS exited his patrol unit and began chasing EARLY into the woods, tackling him from behind. EARLY started resisting MAYS and reaching down the front of his pants. MAYS, continued giving loud verbal commands and trying to secure EARLYS hands telling EARLY, to stop resisting and put his hands behind his back. While resisting, EARLY was able to reach into his pants and pull out a Black Glock 9x19 serial number BBRT082 and threw it into the woods in front of him.

After a brief scuffle MAYS, was able to detain EARLY, placing him in double locked handcuffs to the rear. Once EARLY, was detained MAYS, immediately secured the weapon then placed it on the hood of his patrol car. MAYS, then advised dispatch of the out standing passenger. MAYS, then tried to stand EARLY to his feet and he stated " i cant stand you just ran over my foot". MAYS, then had EARLY to sit in the rear seat of the jeep. At approximately 1650 hours MAYS, notified dispatch to start Grady to this location in reference to EARLYS, left leg injury.

Once Grady unit 822 arrived on scene EARLY, was transported to Grady by Grady number 822 for his leg injury. Officer SIMMONS, of the same department escorted the ambulance to Grady. MAYS, had the vehicle impounded by South Side Towing. MAYS, obtained Warrants on EARLY, for 16-8-7 and 16-10-24 . The FireArm with magazine and thirteen rounds of ammo was placed into evidence as well as a Black Apple cell phone and a Black Scale . A California tag number 8EMP955 was located in the vehicle and placed into property as well as one Black zara tennis shoe. A fireArm lock was placed on the firearm.

Paper work was faxed to the complaint room. No further action was taken.

ADDITIONAL CITATION INFORMATION

Unit # _____:		Unit # _____:	
Citation # _____	O.C.G.A. § _____	Citation # _____	O.C.G.A. § _____
Citation # _____	O.C.G.A. § _____	Citation # _____	O.C.G.A. § _____
Citation # _____	O.C.G.A. § _____	Citation # _____	O.C.G.A. § _____
Citation # _____	O.C.G.A. § _____	Citation # _____	O.C.G.A. § _____
Citation # _____	O.C.G.A. § _____	Citation # _____	O.C.G.A. § _____
Citation # _____	O.C.G.A. § _____	Citation # _____	O.C.G.A. § _____
Citation # _____	O.C.G.A. § _____	Citation # _____	O.C.G.A. § _____

ADDITIONAL OCCUPANT INFORMATION

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	

Name (Last, First) ,					Address , ,				
Age	Sex	Unit #	Position	Safety Eq	Ejected	Extricated	Air Bag	Injury	Taken for Treatment
Injured Taken To		By		EMS Notified Time (Fatality Only)		EMS Arrival Time (Fatality Only)		Hospital Arrival Time (Fatality Only)	